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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: OPTICAL DISK DRIVE
PRODUCTS ANTITRUST LITIGATION

MDL Docket No. M:10-2143 VRW

Date: June 24, 2010

Time: 10:00 a.m.

Court: Hon. Vaughn R. Walker

This Document Relates to All Cases.

NOTICE OF MOTION AND MOTION BY THE UNITED STATES
TO INTERVENE UNDER FED. R. CIV. P. 24(b)(1)(B)

1 UNITED STATES' NOTICE OF MOTION AND MOTION

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE THAT the United States Department of Justice files this
4 motion, to be heard June 24, 2010 at 10:00 a.m., before the Court of the Honorable Judge
5 Vaughn R. Walker, United States District Court Judge in the Northern District of California. The
6 government moves under Rule 24(b)(1)(B) of the Federal Rules of Civil Procedure for an order
7 to intervene in this civil action for the purpose of limiting certain discovery during an ongoing
8 criminal grand jury investigation. The government will meet and confer with the parties to
9 attempt to reach a stipulation limiting discovery.

10 The basis for this Motion to Intervene is that a grand jury has been empaneled in this
11 judicial district investigating criminal violations that include common questions of fact with the
12 facts alleged in this civil case. There is an independent ground for jurisdiction, and this motion is
13 timely.

14 This motion is based on the attached Memorandum of Points and Authorities and
15 Declaration of Attorney Sidney A. Majalya. The government is also filing a proposed order.

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17 Dated: May 12, 2010

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20 Respectfully submitted,

21
22 /s/ Sidney A. Majalya
23 Sidney A. Majalya
24 Lara M. Kroop
25 Trial Attorneys, Antitrust Division
26 U.S. Department of Justice